

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Samuel Ross	Team: Squad #8	CCRB Case #: 202000605	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 01/23/2020 6:40 AM	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 70	18 Mo. SOL 7/23/2021	EO SOL 3/9/2022	
Date/Time CV Reported Thu, 01/23/2020 1:19 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 01/23/2020 1:19 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Philip Tantillo	09988	955560	INT CIS
2. Officers			
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. CPT Derby Stfort	00000	937848	073 PCT
2. POF Shalimar Scribner	20375	959420	073 PCT
3. POM Brett Woodard	27829	958175	073 PCT
4. SGT Steven Franzel	03573	945733	073 PCT
5. DT2 Matthew Vahey	07959	907488	E S U
6. DTS Terry Avent	01029	932280	E S U
7. DTS William Plume	3059	949493	ESS 02
8. SSA Donald Abrams	00085	921890	E S U
9. SGT Arthur Mccarthy	04612	949289	073 PCT
10. POF Nickita Beckford	04258	964388	073 PCT
11. DTS Trent Narra	05472	918056	ESS 07
12. SGT Richard Santiago	05066	931158	ESS 04
13. DTS Paul McCartney	04238	938977	E S U
14. DTS Evan Nielsen	4266	933096	ESS 07
15. DTS Thomas Donaldson	2956	948903	ESS 09
16. DTS Daniel Donaldson	04772	920223	ESS 07
17. POM Bobby Wilkins	19409	952342	ESS 01
18. POM Thomas Taverna	16875	955566	INT OAS
19. POM Anthony Donaldson	08286	941671	ESS 07
20. LT Alexander Bobo	00000	947985	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Philip Tantillo	Abuse: Police Officer Philip Tantillo entered § 87(2)(b) in Brooklyn.	
B. Officers	Abuse: Officers damaged § 87(2)(b)'s property.	
C. Officers	Force: Officers pointed their guns at § 87(2)(b)	
D. An officer	Force: An officer pointed their gun at § 87(2)(b)	
E.POM Philip Tantillo	Abuse: Police Officer Philip Tantillo searched § 87(2)(b) in Brooklyn.	
F. Officers	Discourtesy: Officers acted discourteously toward § 87(2)(b)	
G. An officer	Force: An officer used physical force against § 87(2)(b)	
H. An officer	Force: An officer tightly handcuffed § 87(2)(b)	
I.POM Philip Tantillo	Abuse: Police Officer Philip Tantillo failed to provide § 87(2)(b) with a business card.	
J.POM Philip Tantillo	Abuse: Police Officer Philip Tantillo failed to provide § 87(2)(b) with a business card.	
§ 87(4-b), § 87(2)(g)		

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via telephone on January 23, 2020 [BR01].

On January 23, 2020, at approximately 6:40 AM, officers from the Emergency Services Unit (ESU) and the 73rd Precinct, with PO Philip Tantillo of Criminal Intelligence Section, forced entry into § 87(2)(b) in Brooklyn, damaging the front door in the process (**Allegation A: Abuse of Authority**, § 87(2)(g) **Allegation B: Abuse of Authority**, § 87(2)(g) Officers pointed guns at § 87(2)(b) (**Allegation C: Force**, § 87(2)(g) and an officer pointed a gun at § 87(2)(b)'s husband, § 87(2)(b) (**Allegation D: Force**, § 87(2)(g) Officers then searched the apartment's bedroom, living room, and dining room (**Allegation E: Abuse of Authority**, § 87(2)(g) § 87(2)(b)'s nightgown allegedly came undone while she was being handcuffed. Her breasts and genitals were allegedly exposed for 35-40 minutes, and she was not covered by any officer (**Allegation F: Discourtesy**, § 87(2)(g) An officer allegedly struck § 87(2)(b) with an unknown object on his right shoulder (**Allegation G: Force**, § 87(2)(g) § 87(2)(b)). Once he was handcuffed, § 87(2)(b) allegedly told the officers around him that the handcuffs were too tight. An officer allegedly approached § 87(2)(b) and tightened his handcuffs (**Allegation H: Force**, § 87(2)(g) PO Tantillo, the lead investigator, did not provide a business card to § 87(2)(b) or § 87(2)(b) (**Allegations I and J: Abuse of Authority**; § 87(2)(g) § 87(2)(g), § 87(4-b)

No arrests were made and no summonses were issued regarding this incident [BR03-BR04].

The investigation obtained were 23 BWC videos over three requests [BR02, BR48, BR49].

This case was reassigned from Inv. Noah Kim to Inv. Samuel Ross on August 10, 2021.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Philip Tantillo entered § 87(2)(b) in Brooklyn.
Allegation (B) Abuse of Authority: Officers damaged § 87(2)(b)'s property.
Allegation (C) Force: Officers pointed their guns at § 87(2)(b)
Allegation (D) Force: An officer pointed their gun at § 87(2)(b)
Allegation (E) Abuse of Authority: Police Officer Philip Tantillo searched § 87(2)(b) in Brooklyn.

It is undisputed that on January 23, 2020, at approximately 6:50 AM, ESU officers, 73rd Precinct officers, and PO Tantillo entered and searched § 87(2)(b) in Brooklyn. They did so pursuant to Kings County Search Warrant § 87(2)(b), which was signed by the § 87(2)(b), and which was valid as of the date of this incident. Per the language on the search warrant, its execution did not require prior notice [BR06].

§ 87(2)(b) testified that six police officers entered her apartment and in the process of doing so broke her front lock and door. The officers pointed their guns at her, told her to put her hands up, and to get on the ground. § 87(2)(b) complied. Officers searched the living room, bedroom, and closets in the apartment during the incident [BR03].

§ 87(2)(b) testified that when he exited his bedroom, an officer pointed his gun at him and told him to get on the ground. § 87(2)(b) complied [BR04].

According to NYS Criminal Procedure Law 690.50, officers executing a search warrant need not give notice of their authority if the warrant expressly authorizes forcible entry and search without doing so. Officers are authorized to use as much physical force, other than deadly physical force, and seize any property as is necessary, in order to execute the warrant [BR16].

§ 87(2)(g)

Allegation (F) Discourtesy: Officers acted discourteously toward § 87(2)(b)

§ 87(2)(b) stated that after she went to the ground, two officers approached her, grabbed her by her arms, and rear-cuffed her. As the officers did so, § 87(2)(b)'s nightgown came undone, exposing her breasts and genitals. The officers left § 87(2)(b) laying on her right side with her breasts and genitals exposed for 35 to 40 minutes, and no officer attempted to cover up § 87(2)(b)'s exposed body [BR03].

BWC video recorded by Det. Thomas Donaldson of ESU shows, after 1 minute 30 seconds, that when Det. Donaldson enters the apartment, § 87(2)(b) lies on the floor on her stomach. She wears a bathrobe, which covers her body. Det. Donaldson yells at § 87(2)(b) to put her hands behind her back twice, and § 87(2)(b) complies. Det. Donaldson then handcuffs § 87(2)(b) [BR16].

BWC video recorded by Det. Paul McCartney of ESU shows, after 1 minute 43 seconds, Det. McCartney telling § 87(2)(b) to sit up. § 87(2)(b) sits up and Det. McCartney tells her not to move. Det. McCartney then appears to reposition § 87(2)(b)'s bathrobe to cover her right shoulder and a visible pink clothing strap. The remainder of § 87(2)(b)'s body is covered, and her bathrobe is tied [BR17].

§ 87(2)(g)

Allegation (G) Force: An officer used physical force against § 87(2)(b)

§ 87(2)(b) testified that after he laid down on the floor, on his stomach, an officer approached him, grabbed him by the back of the neck, and pushed him down against the ground. Something then struck § 87(2)(b) on his right shoulder. § 87(2)(b) did not know what hit him. § 87(2)(b) did not resist at any point. § 87(2)(b) was then handcuffed. § 87(2)(b) did not know who grabbed him, hit him, or handcuffed him. § 87(2)(b) reported sustaining a scratch on the shoulder where he was struck [BR04].

§ 87(2)(b) attorney, § 87(2)(b) § 87(2)(b) provided the investigation with a photograph of § 87(2)(b)'s right shoulder. The photo shows a small scab or scar on the right shoulder. § 87(2)(b) did not specify who took the photograph or when the photograph was taken [BR07].

Det. Trent Narra, Det. Matthew Vahey, Det. Terry Avent, and Det. William Plume of ESU were the first four officers into the apartment after entry was forced. They entered in that order. Each officer recorded a BWC video capturing their encounter with § 87(2)(b).

Det. Narra's BWC video shows the entry beginning at 1 minute 30 seconds. Det. Narra enters the apartment first and encounters § 87(2)(b) at the doorway to a bedroom. § 87(2)(b) raises his empty hands in the air. An unseen officer takes hold of § 87(2)(b) and brings him to the ground. § 87(2)(b) then exclaims, "Ow." Det. Narra moves into the bedroom. The video does not show § 87(2)(b) after he was taken to the ground and does not clarify if any officer struck him on the shoulder [BR41].

Det. Vahey was second into the apartment. His BWC video shows the entry beginning at 1 minute 35 seconds. The video appears to show Det. Vahey bringing § 87(2)(b) to the ground after Det. Narra encounters § 87(2)(b) at the bedroom door. However, the apartment, and consequently the video, are dark, and the video does not show these actions clearly, nor does it reveal whether any officer struck § 87(2)(b) as alleged [BR 52].

Det. Avent was third into the apartment, and his BWC video captures the entry beginning at 35 seconds. This video also shows Det. Vahey bringing § 87(2)(b) to the ground, but the video is dark and not entirely clear. The video also shows § 87(2)(b) exclaiming, "Ow," but does not show whether any officer struck him on the shoulder [BR42].

Det. Plume, fourth into the apartment, recorded a BWC video capturing the entry beginning at 1 minute 30 seconds. He followed Det. Avent into the apartment and handcuffed § 87(2)(b) after Det. Vahey brought § 87(2)(b) to the ground. However, like the other BWC videos, Det. Plume's does not clearly capture the moments when § 87(2)(b) went to the ground, and the video does not show if any officer struck § 87(2)(b) [BR 43].

Det. Vahey retired from NYPD service on August 20, 2021, and therefore he could not be interviewed for this investigation [BR 53]. However, Captain Thomas Traynor of ESU prepared a TRI report regarding Det. Vahey's involvement, according to which Det. Vahey acknowledged bringing § 87(2)(b) to the ground. However, the TRI report indicates that § 87(2)(b) did not complain about the injury to his shoulder until he called IAB later, after the incident [BR 54]. The TRI report does not address how § 87(2)(b) shoulder may have been injured. Det. Vahey also prepared a TRI report, which indicates that he did not use force against § 87(2)(b) [BR 55].

Detective Avent had no independent recollection of this incident. He reviewed his BWC video during his CCRB interview but stated that it did not refresh his recollection. He did not recall using force against any civilian during this incident [BR51].

Det. Narra stated that when he encountered § 87(2)(b) at the bedroom door, he used his ballistic shield to move § 87(2)(b) aside and then entered the bedroom. He did not see what happened to § 87(2)(b) next. He denied striking § 87(2)(b) on the shoulder or seeing any other officer do so.

§ 87(2)(g)
[REDACTED]

Allegation (H) Force: An officer tightly handcuffed § 87(2)(b)

§ 87(2)(b) testified that when he was handcuffed on the floor, the officer who handcuffed him applied the handcuffs too tightly. At an unspecified time after § 87(2)(b) was handcuffed, he informed unspecified officers that his handcuffs were too tight. In response, an officer approached and tightened the handcuffs. § 87(2)(b) could not see which officer did so, as he was facing the floor [BR04].

§ 87(2)(b) testified that as she waited in the living room, she could see § 87(2)(b) who was seated in the dining room. § 87(2)(b) heard § 87(2)(b) complain that his handcuffs were too tight. An officer approached § 87(2)(b) and reached toward the handcuffs behind § 87(2)(b) back. § 87(2)(b) then began to cry. § 87(2)(b) did not describe the officer in question. She did not allege that any officer tightened § 87(2)(b) handcuffs as he lay on the ground [BR03].

Det. Plume's BWC video and BWC videos recorded by Sgt. Arthur McCarthy and PO Steven Franzel of the 73rd Precinct create a continuous record of § 87(2)(b) interactions with officers from his handcuffing until he was lifted from the floor. Det. Plume's BWC video shows him handcuffing § 87(2)(b) beginning at 1 minute 50 seconds. Det. Plume then waits next to § 87(2)(b) until 73rd Precinct personnel enter the apartment [BR 43]. Sgt. McCarthy's BWC video shows him entering the apartment, and the beginning of his video overlaps with the end of Det. Plume's [BR 56]. PO Franzel's BWC video shows him entering the apartment after Sgt. McCarthy, approaching § 87(2)(b) and lifting him to his feet [BR 57]. None of these videos, or any other BWC video obtained by the investigation, show § 87(2)(b) complaining about the tightness of his handcuffs, nor do they show any officer approaching and tightening the handcuffs.

§ 87(2)(g)

Allegation (I) Abuse of Authority: Police Officer Philip Tantillo failed to provide § 87(2)(b) with a business card.

Allegation (J) Abuse of Authority: Police Officer Philip Tantillo failed to provide § 87(2)(b) with a business card.

Both § 87(2)(b) and § 87(2)(b) testified that no officer provided a business card to them during this incident [BR 03 and 04].

PO Tantillo obtained the search warrant in question. However, PO Tantillo's BWC videos do not show him providing his business card to § 87(2)(b) or § 87(2)(b) [BR 45 and 46]. PO Tantillo deactivated his BWC before he exited the apartment, and so his full interactions during this incident were not captured on BWC [BR46].

PO Tantillo did not recall if he provided a business card to § 87(2)(b) or § 87(2)(b). He stated that he had business cards with him at the time of this incident. He believed that he was required to provide his business card to a civilian upon request, and that he was not required to provide a business card to a civilian who was arrested. PO Tantillo did not know if he was required to provide a business card to a civilian during the execution of a search warrant if the civilian did not request a card and if the civilian was not arrested [BR47].

NYC Administrative Code 14-174 requires that at the conclusion of any law enforcement activity which does not result in an arrest or summons – including the search of a home – an officer must offer a business card to the person(s) subject to such law enforcement activity [BR50].

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party [BR08].
- This is the first CCRB complaint to which § 87(2)(b) has been a party [BR09].
- PO Tantillo, who has been a member of service for eight years, has been the subject in six other CCRB complaints with ten allegations, of which one was substantiated:
 - Case #201903672 involved a substantiated “Failure to provide RTKA card” allegation. The Board recommended Instructions and the NYPD imposed Instructions.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation [BR01].
- § 87(2)(b) and § 87(2)(b) filed Notices of Claim with the City of New York claiming unlawful/false imprisonment, unlawful detainment, unlawful search and seizure, assault, battery, use of excessive force, negligence, negligent hiring and training, punitive damages, and deprivation of civil rights. The Claims each seek \$15 million as redress, plus unspecified lost earnings for § 87(2)(b) [BR 58 and 59]. 50H hearings were held on § 87(2)(b).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 9

Investigator:	<u>Samuel Ross</u>	<u>Inv. Samuel Ross</u>	<u>12/01/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Monique West</u>	<u>IM Monique West</u>	<u>9/23/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date